

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
 ELIZABETH SILVER, :  
 Plaintiff, :  
 :  
 -v- :  
 :  
 MARIO HERNANDEZ LAVANDEIRA, JR., :  
 :  
 Defendant. :  
 -----x

JED S. RAKOFF, U.S.D.J.

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08 Civ. 6522 (JSR) (DF)

ORDER

On January 7, 2009, the Honorable Debra Freeman, United States Magistrate Judge, issued a thorough Report and Recommendation in the above-captioned matter with respect to pro se plaintiff Elizabeth Silver's motion dated December 10, 2008 seeking a preliminary injunction to enjoin defendant's alleged infringements of her copyrights and/or for permission to conduct discovery related to the infringements. In the Report and Recommendation, Judge Freeman concluded that both requests should be denied. Ms. Silver subsequently applied to the Court for an extension to file objections to the Report and Recommendation, which the Court granted telephonically on January 21, 2009, extending the time to object to February 10, 2009. During that teleconference, it was also made clear that no further extensions would be granted under any circumstances.

However, by motion dated February 10, 2009, Ms. Silver applied, again, for a further extension of time to file objections to the Report and Recommendation. As the Court remains unpersuaded by the litany of reasons offered to justify the

request, the Court hereby denies Ms. Silver's motion for a second extension of time. While the Court is not unsympathetic to the challenges confronting Ms. Silver in proceeding pro se, it also has an obligation to enforce its orders and move this matter forward.

Since no objection to the Report and Recommendation has been filed and the Court now denies any request for an extension within which Ms. Silver can file a timely objection, the Court hereby determines that the plaintiff has failed to object to the Report and Recommendation, and for this reason alone, petitioner has waived any right to review by this Court. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). In addition, however, the Court has carefully reviewed the Report and Recommendation on a de novo basis and finds it overwhelmingly persuasive. Accordingly, the Court hereby adopts the Report and Recommendation in its entirety, and, for the reasons stated therein, hereby denies plaintiff's motion for a preliminary injunction and for related discovery.

All other pending motions in this case and in the related case, Lavandeira v. Infuse, LLC, et al., 08 Civ. 11213 (JSR) (DF), remain before Judge Freeman, and all further inquiries or applications should be directed to her chambers.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
February 25, 2009